

# FARMINGTON CITY COUNCIL MEETING

Tuesday, August 21, 2007

---

## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, Youth City Council Member Cody Nelson, and Recording Secretary Jill Hedberg.

**Mayor Harbertson** began discussion at 6:00 P.M. The following items were reviewed:

### Minutes

The City Council reviewed the minutes from the Special City Council meeting that was held on July 31, 2007, and the minutes from the City Council meeting that was held on August 7, 2007, and recommended corrections to the minutes.

### Planning Commission Report

**Mayor Harbertson** reported that there will not be a Planning Commission report given since the City Council was present at the Planning Commission meeting.

### **Agenda Item #4: Public Hearing: Consideration of application to rezone approximately 64 acres of land (E&H Land Investment property) at approximately 1180 West Clark Lane and adjacent and east of the old D&RGW right-of-way from "A" (Agriculture) to TOD (Transit Oriented Development) - America West Development, LC (Ron Martinez)**

**Mayor Harbertson** informed the members of the City Council that the Planning Commission voted on June 14, 2007, to grant the applicant's request. He reviewed the findings that were established by the Planning Commission

In response to a question from **Rick Dutson, David Petersen** said it is City staff's recommendation that the City Council table the requested change of zoning pending more detailed information regarding issues set forth in the staff report.

**Mayor Harbertson** reviewed the possible motions. The City Council can accept or deny the application, or they can table consideration of the application to allow the applicant to provide more information to the City Council. The Council also has the option to send the application back to the Planning Commission for further review.

**David Petersen** recommended that the City Council table consideration of the application rather than having it reconsidered by the Planning Commission at this time. It would be in the

best interest of the City Council, as well as the Planning Commission to discuss the issue with the City Attorney prior to have the issue reconsidered by the Planning Commission.

**David Hale** asked if there is negativity with what the applicant is proposing.

**Mayor Harbertson** said although the application is consistent with the City's General Plan, City staff has historically required more detailed information when rezoning property. The Station Park property was not rezoned until CenterCal provided site plans and entered into a Development Agreement and Agreement for Development of Land with the City. There are still questions that the City needs answered by the applicant.

**Sid Young** asked what standard of review the City Council should be following.

**David Petersen** said the City Council should not grant approval until they determine that the application is consistent with the City's General Plan, which includes all elements of the General Plan including but not limited to the transportation, environmental and storm drainage components thereof.

**Agenda Item #5: Boundary line adjustment request for property at 1244 North Main Street (Brass Comb/Kent Bailey)**

**Mayor Harbertson** reviewed the applicant's request, as outlined in the City Council packet.

**Larry Haugen** questioned whether the applicant will be using the adjacent parcel for additional parking. If so, the applicant would need to have the property rezoned since the Brass Comb is a "grand-fathered" business with non-conforming rights.

**David Petersen** said the City Attorney, **Todd Godfrey**, recommends that if the City Council approves the boundary line adjustment, that they attach a condition to their motion stating the property owner can not use the back half of the property for their business unless they receive approval from the Board of Adjustment. According to the City Attorney, the requested boundary line adjustment is acceptable.

**Paula Alder** questioned whether City staff approves of the property owner selling items, such as stoves, couches, etc., on the front portion of the property.

**David Petersen** explained that there is a certain radius around buildings where property owners are allowed to place "for sale" items but it is not acceptable to place those items at the curb.

**Rick Dutson** questioned whether the property owner plans to purchase the adjacent

properties along Main Street.

**David Petersen** said the applicant currently has a non-conforming use. The proposed boundary adjustment will result in one or both parcels with an area less than the required minimum in the LR zone which is 20,000 square feet. Therefore, **Mr. Bailey** is requesting a waiver, as set forth in Section 11-12-065 of the Zoning Ordinance.

**Sid Young** asked **David Petersen** if the Planning Commission reviewed this application.

**David Petersen** the Planning Commission does not review boundary line adjustment requests but it is the City Council's right to request a recommendation from the Planning Commission if they so choose.

**Agenda Item #6: Minute motion approving Summary Action list**

**Mayor Harbertson** reviewed the three items that were included on the Summary Action list.

**Agenda Item #7: Ordinance amending Title 15 (Sign Ordinance) regarding property signs for large commercial developments as requested by CenterCal Properties**

**Mayor Harbertson** explained that the City's Sign Ordinance does not adequately deal with property signs intended for large commercial developments such as the Station Park project. Therefore, Center-Cal is proposing an amendment to resolve this issue. **Elizabeth Angyl** sent the City a copy of a Property Sign Ordinance that is used in Denver. City staff's recommendations are outlined in **David Petersen's** letter to the Mayor and City Council dated August 17, 2007. **Elizabeth Angyl** will be at the meeting to discuss issues with the Council such as the sign height in relation to the grade of the property, and the number of signs allowed. Center-Cal is accepting of a 15' sign height but they would like the height to be measured at street level, not at finished grade. The City Council must consider whether 15' is an appropriate height and whether the City should allow a variance to accommodate the grade of the property.

**David Petersen** reminded the Council members that this ordinance will be used for other properties within the City, not just Station Park.

**Paula Alder** said the Village at Old Farm has a sign that is an appropriate size, yet visible because of its close proximity to the street.

**Rick Dutson** suggested that the sign height be 15' above the existing road. For practical reasons, developers will not use overly large temporary signs.

**David Petersen** said the sign will only be on the property for 18 months. Center-Cal

will not make the signs too high because they will not survive the wind. He suggested that the allowable sign height be 12 feet if the City Council allows the sign to be placed at the street right-of-way.

**Rick Dutson** suggested that the allowable sign height be 13 feet. It will be the developer's responsibility to determine the configuration of the sign pole.

**Agenda Item #8: Ordinance enacting 8-2-107 I (2) pertaining to the prohibition of construction materials, sporting equipment within the public rights-of-way**

**Max Forbush** said City staff is requesting that the City Council consider the prohibition of construction materials and sporting equipment within the public rights-of-way since it impacts the street sweeper, the snow plow and the garbage collector. The Council can wait to take action so long as the issue is resolved prior to the snow plow season. If the ordinance is passed, the City will send letters notifying the property owners that they are in violation of the new ordinance.

**Agenda Item #9: Agreement with Davis County to run Municipal Election in November with related reimbursement provisions**

**Mayor Harbertson** said it is required by law that the County administer the election. The City Recorder will write a letter to Senator Bell requesting that the Legislature mandate that the County administer *all* elections since the County owns the voting machines and it would eliminate the use of paper ballots.

**Agenda Item #10: Resolutions approving Precincts & Polling Locations and Election Judges/Poll Workers for the Municipal Primary and General Elections**

**Mayor Harbertson** said the City Council needs to establish the combined precincts and polling locations for the municipal election and to approve the list of election judges and poll workers. Due to the fact that the City does not have a complete poll workers list, the City Council will consider the additional names at the next City Council meeting.

**Agenda Item #11- Resolution submitting ballot question to Farmington residents imposing sales and use tax within the City to fund a Performing Arts Center and other recreational cultural facilities**

**Mayor Harbertson** said the City Council will continue discussing the information they received at their last meeting from Centerville City's Mayor, **Ron Russell**.

**Agenda Item #12: Authorization to proceed with 400 West Trail Realignment project and related Scope of Work**

**Mayor Harbertson** said the 400 West trail realignment will direct the trail away from the tiny parcel of land near 400 West that Charles Clark claims to own. For the tunnel concept to have worked, the City had negotiated acquisition of that tiny parcel. Since the trail will now be kept on the surface, the trail alignment can be shifted to miss the Clark property. The other option is to take the trail to the Frontage Road but that would make it so pedestrians have to walk out of their way to reach the trail on the west side.

**Mayor Harbertson** said the City Engineer recommends that the City utilize a pedestrian safety island in the middle of 400 West rather than installing bulb-out on each side. An electronic warning system will be utilized that will signal flashing lights to alert motorists when a pedestrian is close to the intersection.

### **Agenda Item #13: CRS Engineering fee adjustment request - Paul Hirst**

The Mayor, City Council and City staff reviewed and discussed the letter from **Paul Hirst** to the City Manager dated April 5, 2007 pertaining to proposal increase in consulting rates. They also reviewed the details of the proposal to the City Council justifying the increase. In response to questions from the City Council, **Mr. Hirst** made the following statements:

- After conducting a salary study, it was determined that CRS Engineering fees are at the low end compared to other similarly skilled engineering firms. The study is based on engineering class which includes the number of year's experience an individual has, as well as engineering category.
- Surveyors received the highest increase since it is necessary to factor in their base pay, as well as their vehicles and equipment. There is also a shortage of surveyors so the increase is necessary in order to be competitive with the other firms.

**Paul Hirst** stated that it takes a greater amount of money to obtain a greater amount of talent. The last increase occurred two years ago. He committed to remain at this rate for as long as possible.

**Max Forbush** said there are some smaller firms that charge less but they do not have the capacity to provide the level of engineering services that are required by the City. CRS Engineers is a mid-range sized engineering firm that performs a broad array of services.

The meeting adjourned at 7:00 p.m.

### **REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER**

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, Youth City Council Member Cody Nelson, City Recorder Margy Lomax, and

Recording Secretary Jill Hedberg.

**Mayor Harbertson** called the meeting to order at 7:00 P.M. **Rick Dutson** offered the invocation. The Pledge of Allegiance was led by **Max Forbush**.

### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

**David Hale** moved to approve the minutes of the July 31, 2007, Special City Council Meeting. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative. **Paula Alder** abstained since she was not present at that meeting.

**Sid Young** moved to approve the minutes of the August 7, 2007, City Council Meeting. **Larry Haugen** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

### **REPORT OF PLANNING COMMISSION (Agenda Item #3)**

There was not a Planning Commission report given since the Mayor and City Council were present at the August 9<sup>th</sup> Planning Commission meeting.

### **PUBLIC HEARING: CONSIDERATION OF APPLICATION TO REZONE APPROXIMATELY 64 ACRES OF LAND (E&H INVESTMENT PROPERTY) AT APPROXIMATELY 1180 WEST CLARK LANE AND ADJACENT AND EAST OF THE OLD D&RGW RIGHT OF WAY FROM "A" (AGRICULTURE) TO TOD (TRANSIT ORIENTED DEVELOPMENT) - AMERICA WEST DEVELOPMENT, LC (RON MARTINEZ) (Agenda Item #4)**

**David Petersen** displayed a Vicinity Map and an aerial photo and pointed out where the property is located. The Planning Commission will consider an application for two of the properties on Thursday. He informed the members of the City Council that the Planning Commission voted on June 14, 2007 to recommend a request for a zone change from A (Agriculture) to TOD (Transit-Oriented Development). He also reviewed the minutes from that meeting which were included in the City Council packet. City staff recommends that the City Council table the requested Change of Zoning pending more detailed information regarding issues set forth in the staff report and comments from reviewing entities for a Schematic Master Plan for the area to be rezoned.

**Mr. Petersen** displayed the applicant's schematic plan which was requested by City staff. City staff is concerned that the applicant does not own the property where the primary access is located. One of the key elements of the City's Transportation Plan is that Park Lane needs to function adequately so the City needs to verify that the proposed access will function. He

displayed the revised schematic plan which includes a mixture of housing types and styles. The TOD Ordinance allows up to 18 dwelling units per acre.

**Mr. Petersen** read the following findings which were included in a letter to **Mr. Martinez** dated June 7, 2007, from **Matthew Betts** of Stantec Consulting:

*The results of the site review indicated that the site is primarily dry upland meadow with upland shrubs in some areas. The mapped soils for this overall area included hydric and non-hydric soil units. Some of the non-hydric soil units have the potential for hydric inclusions. This matched the wetland areas that were limited to the isolated depressions with no surface water connections to Waters of the United States. These areas on the southwest portion of the 65 acre site adjacent to the railroad right-of-way. The larger wetland areas is the riparian corridor and associated wetlands along the Spring Creek corridor.*

*In summary, on the 65 acre parcel north of Clark Lane, it is our opinion that the jurisdictional wetlands are limited to the wetlands in and adjacent to Spring Creek on the northwest portion of the site.*

**Mr. Petersen** said the UDOT studies that were conducted on the property in the past indicate there are several wetlands on the property. The City needs to know where those wetlands are located.

**David Petersen** gave the members of the City Council a copy of the City's TOD Zoning Ordinance which states that "*The Planning Commission should consider the following issues when reviewing each proposed amendment: 1) is the proposed amendment reasonably necessary, 2) is the proposed amendment in the public interest, and 3) is the proposed amendment consistent with the City General Plan and in harmony with the objectives and purpose fo the Zoning Ordinance.*".

**Mr. Petersen** said according to the purposes outlined in that section of the Ordinance, there are standards of development and design that must be determined. City staff is uncertain what will be developed in the future, which is why they are recommending that the City Council table consideration until the applicant has provided the City with additional information.

### **Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**Ron Martinez** (America West Developers LC) said he is fulfilling the City's vision using

the City's ordinances for the TOD zone. He considers the rezone to be the "port of entry". He will enter into agreements with the City after he receives the rezone. He said his project will be complimentary to the Station Park project. He is anxious to move forward and asked that the Council approve his rezone request.

**Jeff Cook** said his family owns the property on Burke Lane which corners the America West Development property. He is concerned about the density that may be developed on this property. If the City grants the rezone request without knowing the applicant's plans for the property, the applicant has the ability to develop up to 18 units per acre. He does not have adequate information to determine whether this project will be an asset or a liability.

**Todd Jones** (1077 South Roueche Lane, Kaysville) said he owns property in this area. He does not have the ability to secure tenants until there are additional roof tops in the area. He is in favor of the CenterCal project and the America West project. He is also in favor of the America West property being rezoned because it will send a message to the larger tenants who are considering locating in this area.

**Mayor Harbertson** questioned who has ownership of the Larsen White property.

**Elizabeth Angyall** acknowledged that CenterCal has the property under contract.

**Ron Martinez** said America West can only design the properties they own. The property owners in the area need to work with the City and UDOT to create successful road alignments. Their schematic plan includes road alignments through the White and Adams properties which would relieve the pressure from the northern access. He is hopeful that when CenterCal obtains ownership of the Adams property, they will recognize the benefit of allowing that road. As requested by City staff, they provided a conceptual plan but that is not required by the City's Ordinance.

**David Hale** asked why America West would apply for a rezone at this time since they do not have ownership of certain properties or access.

**Ron Martinez** said the conceptual plan shows a road between the Adams property and the D&RG railway.

**David Hale** said in order for the project to be viable, they will need the roadway off of Park Lane.

**Ron Martinez** said that area is not under America West's control. The traffic analysis will indicate that if the road is located there, it will provide connectivity.

**David Hale** said the City would like to have a more complete package before they rezone



additional properties in the area.

**Ron Martinez** said he plans to work with the City, Rich Haws, and CenterCal to address the road issues. He plans to hire a company in Vermont to assist with that process.

**Sid Young** asked how **Mr. Martinez** envisions the master plan for the area.

**Ron Martinez** said after the property is rezoned, he can then go out into the market to create a master plan. They would then come before the City with a Development Agreement and the proposed master plan. They could then work to create a transportation plan. They control a major portion of the property that could provide a connectivity road in the area to relieve a lot of the pressure.

**Mayor Harbertson** said one of the reasons the Planning Commission recommended that the City Council grant the rezone request is because it is in keeping with the City's General Plan. The general plan actually has four components that have to be met for the rezone to work. **Mr. Martinez** has not addressed the environmental issues or the transportation issues. The City would also like to know that the applicant is proposing a quality residential development since the TOD zone allows up to 18 units per acre. If the City approves the rezone, the applicant could sell the property without any type of agreement for the future of the area. Before the City rezoned any of the CenterCal properties, CenterCal had entered into all of the necessary agreements.

The members of the City Council agreed with the Mayor's comments and concerns.

**Ron Martinez** said he needs to receive the rezone approval so they can make additional investments to create the Development Agreement, and address the density and design issues. Their wetlands study indicates that there are not wetlands problems on the 65 acres. UDOT informed him that they did not do any delineation in this area. He is aware that the City's Ordinance requires that they submit their plan to the Army Corp of Engineers. He is also willing to provide the City with the completed study and the wetlands map.

**Rick Dutson** said while there is not antagonism from the City Council, they would like to review additional information prior to rezoning the properties. The City plans for this to be a high quality area. The City needs to consider issues such as traffic, parking, snow removal, drainage, fire protection, etc. They also need to consider the density of the project since the City is sensitive to high density housing. He is concerned that the America West Development plan includes CenterCal properties. He does not want buildings shown on properties that America West Development does not control.

**Ron Martinez** said he wants to work with the City and with the Haws group to add value to the City. He would like to get the rezone, then work with the City to resolve their concerns.

After the rezone is obtained, there will be CAMPs that include guidelines that have to be followed.

**David Petersen** asked the name of the Vermont traffic engineer that America West plans to use.

**Ron Martinez** said they plan to use Smart Traffic Solutions which are located in Norwich, Vermont. They also plan to use Babcock Architects who are the architects that were involved with the Gateway project.

**Mayor Harbertson** said he does not doubt that **Mr. Martinez** plans to do a great project. It is the governing body's responsibility to follow the procedures and steps correctly so there are not problems in the future. He is certain that in the future, this area will be zoned TOD.

**Ron Martinez** said he respectfully disagrees with the Mayor's comments. He then introduced his legal counsel, **Robert McConnell**.

**Robert McConnell** said they have followed the proper procedures which are outlined in the City's ordinance. Section 14 of the ordinance mandates that they apply for the amendments to the zone pursuant to Section 11-6. They have applied for the rezone and have also provided the required materials, as listed in Section 11-6-020b. He believes that all of the City's requirements have been satisfied. The application has been reviewed by the City Planner, as well as the Planning Commission who recommended that the City Council grant the rezone request. Section 11-6-040 states that the rezone does not grant the applicant vesting rights. Once they have received the zone change, they will then supply the City with all of the information they are now requesting. Wetlands and transportation issues are not to be considered at this point in the process. They want the zone change so they can approach the users who will make up this project. They will design a project in compliance with Chapter 18 after they have received the rezone and have worked with the potential tenants. He is aware that CenterCal went through a different process. It is illegal if the Development Agreement between CenterCal and the City included a condition that required the City to grant the rezone. CenterCal did not follow the steps that are articulated in the City's ordinance.

**Larry Haugen** said the City does not know the applicant's plan for the property. If the property is rezoned to TOD, it entitles the applicant to the permitted and conditional uses of that zone.

**Robert McConnell** said there are many zones throughout the City. The City does not know what will develop on each of those properties. The City is mandated to follow the procedures that are outlined in the Ordinance.

**Mayor Harbertson** said the City Council is not opposed to rezoning the property TOD

but they want to make sure that the land use is consistent with the area. The general plan is advisory in nature. The City has found that after Station Park is complete, Park Lane will be at capacity. The traffic engineers can not determine what road systems will work until the City has master planned the area. The City needs additional information prior to rezoning the area.

A representative for America West Development said the applicant could propose a more dense project than the City is currently anticipating. It is difficult to forecast the future. The Gateway project was not held up six years to determine how Trax would develop. The zoning ordinance states that if the rezone is granted, the applicant has two years to begin construction or the zoning lapses. If the zoning is granted and the City does not like the project that is presented, the zoning will lapse. There is uncertainty in what they are proposing but they are looking for approvals so they can make the investment to answer those questions.

**Ron Martinez** said he is a team player so he is willing to consider a different approach if the governing body feels uncomfortable with this situation. If the City Council tables consideration of his application, he will work with the Haws group to show the Council the direction the project is going. He is willing to work with the City any way he can.

### **Public Hearing Closed**

With no further comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

### **Motion**

**Rick Dutson** moved that the City Council table consideration of the application to allow legal counsel to review the procedures and to allow City staff to work with **Mr. Martinez** to better understand his project.

It was suggested by **David Hale** that the City Council send the application back to the Planning Commission for further review. **Mr. Martinez** said he would prefer working with the City Council and City staff and provide progress reports and a Scope of Work.

### **Motion**

**Rick Dutson** moved that the City Council table consideration of the application to allow the legal counsel to review the issues and to allow the applicant to work with the Mayor and City staff (and Council members if necessary) in an effort to resolve the issues. **Sid Young** seconded the motion, which passed by unanimous vote.

[Youth City Council member, Cody Nelson was excused at 8:20 p.m.]

**BOUNDARY LINE ADJUSTMENT REQUEST FOR PROPERTY AT 1244 NORTH MAIN STREET (BRASS COMB/KENT BAILEY) (Agenda Item #5)**

According to packet information, **Kent Bailey**, the owner of the Brass Comb at 1244 North Main, also owns a parcel adjacent to the south and east property lines of the Brass Comb site. **Mr. Bailey** desires to adjust the common boundary between the two un-platted parcels. Such requests do not constitute a subdivision under State Law so long as no new parcel is created and the parcels resulting from boundary adjustment comply with local zoning ordinances.

The combined area of both parcels is 39,291 square feet. The proposed boundary adjustment will result in one or both parcels with an area less than the required minimum in the LR zone of 20,000 square feet. Therefore, **Mr. Bailey** is requesting a waiver, as set forth in Section 11-12-065 of the Zoning Ordinance.

**David Petersen** displayed an aerial photo and pointed out where the two Bailey properties are located. He reviewed the information that was included in the City Council packet. If the Council deems it appropriate to grant the waiver, thereby allowing the boundary line adjustment, City staff recommends that any expansion of the non-conforming use be approved by the Board of Adjustment.

The City Council discussed the possible reasons the applicant may wish to combine the properties. They agreed it would have been beneficial if the applicant had been at the meeting to discuss the issues relating to the application, such as how the property will be used in the future.

**Motion**

**David Hale** moved that the City Council table consideration of the applicant's request until they receive additional information from the applicant. **Paula Alder** seconded the motion, which passed by unanimous vote.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #6)**

**Rick Dutson** moved that the City Council approve the following items by consent as follows:

- 6-1. Ratification of approvals of Construction Bond Agreements previously signed by Mayor Harbertson.
- 6-2. Approval of Public Improvements Extension Agreement with Ryan S. Wiser at 282 North 200 East.
- 6-3. Approval of Audit Contract with Ulrich & Associates.

**Paula Alder** seconded the motion, which passed by unanimous vote.

**ORDINANCE AMENDMENT TITLE 15 (SIGN ORDINANCE) REGARDING  
PROPERTY SIGNS FOR LARGE COMMERCIAL DEVELOPMENTS AS REQUESTED  
BY CENTERCAL PROPERTIES (Agenda Item #7)**

According to packet information, the Sign Ordinance does not adequately deal with property signs intended for large commercial developments such as the Station Park project. Therefore, Center-Cal is proposing an amendment to resolve this issue. City staff offered the following recommendations and comments regarding their proposal:

1. The terms “Temporary Signs” and “Ground Signs” and the phrase “Signs identifying or advertising new construction, rebuilding, development, sale, lease or rental” are not necessary because the definition of “Property Sign” elsewhere in the Ordinance and subsection 15-4-100(1) already address these terms and phrase.
2. Based on the proposed ordinance language from Center-Cal, three signs may be permitted along the Park Lane frontage (approximately 940 feet in length) and three signs may be permitted along the Clark Lane/State Street frontage (approximately 2220 feet in length).
3. Center-Cal suggests that no sign exceed 225 square feet in area. The area of a typical billboard is 672 square feet (14' x 48'), but the area of the existing large property sign on the Garbett Property by U.S. 89 is 192 square feet (8' x 24') and the area of the property signs currently advertising the Station Park development are 120 square feet in size (10' x 12'). Therefore, staff recommends that such signs for large commercial development not exceed 200 square feet in area.
4. Center-Cal also suggests that the maximum sign height not exceed 30 feet “as measured from the street right-of-way grade to which the sign is oriented”. The different in elevation from portions of Park Lane and the subject property may be as high as 20 feet. Therefore, the Center-Cal proposal may result in a property sign 50 feet in height. Meanwhile, the billboard on the west of I-15 and the east of 250 South Street is only 37 feet in height, the Garbett sign is 12 feet in height, and the existing Station Park property signs are only 13.5 feet in height. City staff recommends that signs for large commercial development should not exceed 15 feet in height.
5. It is proposed that limitations be placed on the location of the sign. All signs must comply with safe site-distance and other requirements. However, these are set forth in other areas of the Sign ordinance and they need not be mentioned in this section.

6. Property signs are not typically illuminated or animated anywhere in Farmington.
7. A time limit on property signs of 18 months is a good idea. City staff also recommends adding this phrase “and shall thereafter be removed from the property”.

**David Petersen** read from the City’s current sign ordinance and said it is inadequate, especially for a project as large as Station Park. He reviewed the Proposed Amendments to 15-4-100 - Property Signs that was sent to the City by **Elizabeth Angyl** dated August 7<sup>th</sup>, 2007. He then displayed photos of the signage that is currently being used by other large developers in the City. **Elizabeth Angyl** recommends that the sign be 15' high from the elevation of the road. His recommendation is that the sign be 15' high from the base of the sign. During the City Council work session, **Rick Dutson** suggested that the height of the sign be 13' measured from the grade of the road. It is not likely that any developer would invest in an overly large temporary sign since it is only allowed for 18 months and it would not likely survive the winds.

**Rick Dutson** suggested that the text include the phrase “finished road grade” rather than “finished grade”.

The City Council discussed how the sign height would be determined if the sign is located between two roads.

**Elizabeth Angyl** said they are working through the sign logistics with CB Commercial. They could either average the elevation of the two roads or they could base the height on the grade of the nearest right-of-way. One of the reasons to base the height of the sign on the road grade is because it will not favor developers who have a higher elevation. Properties that sit lower would receive a higher sign height.

**Rick Dutson** said during the work session, it was suggested that the sign height be 13' from the road.

**Elizabeth Angyl** said that is acceptable to Center-Cal.

### **Motion**

**Rick Dutson** moved that the City Council approve ORDINANCE NO. 2007-39 , AN ORDINANCE ENACTING SUBSECTION 15-4-100(6) OF THE FARMINGTON CITY SIGN ORDINANCE REGARDING STANDARDS FOR PROPERTY SIGNS IN LARGE COMMERCIAL AND MIXED USE DEVELOPMENTS to include the following amendment:

6. *In large commercial or mixed use projects of 10 acres or more, one (1) sign may be allowed for each three hundred (300) feet of major street frontage of the*

*development area on which the signs are located, not to exceed 3 signs per frontage. The area of such signs shall consist of one (1) square foot for each two (2) feet of street frontage, but shall not exceed two hundred (200) square feet per sign. **The maximum sign height shall be 13' feet, as measured from the street right-of-way grade to which the sign is oriented.** The sign shall not be illuminated or animated. Once installed, these signs shall be valid for a period of not more than eighteen (18) calendar months and shall thereafter be removed from the property.*

**Larry Haugen** seconded the motion. The motion passed by unanimous vote.

As requested by **Council Member Hale, Elizabeth Angyl** updated the Council on the progress that is occurring at Station Park. They recently closed on the Richards property. They are continuing their leasing efforts and are working through issues regarding the road to the station. They are trying to finalize the final designs and the roundabout designs. UDOT approved the re-evaluation. Their goal is to have the road to the station complete by the beginning of April and to begin “turning dirt” by the end of the year.

**ORDINANCE ENACTING 8-2-112 PERTAINING TO THE PROHIBITION OF CONSTRUCTION MATERIALS, SPORTING EQUIPMENT WITHIN PUBLIC RIGHTS OF WAY (Agenda Item #8)**

This agenda item was previously discussed at the August 7, 2007, City Council meeting. This Ordinance is being considered at this time because there are dozens of property owners within the City who have their basketball standards in public street rights-of-way which negatively impacts snow plowing and street sweeping.

**Sid Young** said he would prefer discussing the issue with the residents that are in violation prior to the City taking action. He would like the residents to understand that when their equipment is located in the public right-of-way, it causes a number of problems for the City crews.

**Max Forbush** said most of the basketball standards are mobile but there are a few that have been permanently placed in the public right-of-way. These obstructions are creating problems for the snow plows, street sweepers, mail delivery, garbage collection and parking.

**Rick Dutson** recommended that the Ordinance be amended to allow for spring clean up efforts.

**David Hale** said he thinks neighborhoods will be enhanced if this Ordinance is approved and enforced.

**Max Forbush** said City staff recommends that the City Council adopt the Ordinance prohibiting construction materials and sporting equipment within the public right-of-way. The Ordinance was drafted by the City Attorney.

**Motion**

**David Hale** moved that the City Council adopt ORDINANCE NO. 2007-40, AN ORDINANCE AMENDING SECTION 8-2-107 I.(2) OF THE FARMINGTON CITY MUNICIPAL CODE PROHIBITING OBSTRUCTIONS AND CERTAIN STRUCTURES IN THE STREETS AND OR PUBLIC WAYS OF FARMINGTON CITY which shall be amended to allow for spring clean up efforts.. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**Max Forbush** said the City will include an article in the City newsletter encouraging residents to move their recreation equipment out of the public right-of-way before the City takes further action.

**AGREEMENT WITH DAVIS COUNTY TO RUN MUNICIPAL ELECTION IN NOVEMBER WITH RELATED REIMBURSEMENT PROVISIONS (Agenda Item #9)**

According to packet information, the Governor issued an executive order for a statewide special election in conjunction with the municipal general election, which requires the County to administer the election. The Lieutenant Governor's instructions require the State, County and cities to contribute to the cost of the administering the election; as a result the County is legally required to enter into agreements with the state and the cities for partial reimbursement. The amount the State is distributing to the County is based upon the election budgets the cities submitted to The Leagues of Cities and Towns and the Lieutenant Governor.

**Motion**

**Rick Dutson** moved that the City Council approve the agreement between Davis County and Farmington City for the County to run the municipal election in November with related reimbursement provisions. **Paula Alder** seconded the motion, which passed by unanimous vote.

**RESOLUTIONS APPROVING PRECINCTS AND POLLING LOCATIONS AND ELECTION JUDGES/POLL WORKERS FOR THE MUNICIPAL PRIMARY AND GENERAL ELECTIONS (Agenda Item #10)**

According to packet information, by statute, the City Council needs to establish the combined precincts and polling locations for the municipal election and to approve the list of election judges/poll workers. There will be three Counting Judges added for each polling location.



The City Recorder, **Margy Lomax**, submit the following names to be considered by the City Council as poll workers or election judges: Kim Mansell, Meredith Maughan, Lisa and Kirt Last, Sheila Ross, Linda Short, and Julie Haugen. The City is still looking for four additional counting judges.

### **Motion**

**Sid Young** moved that the City Council approve RESOLUTION 2007-42, A RESOLUTION ESTABLISHING THE 2007 MUNICIPAL VOTING PRECINCTS AND POLLING PLACES FOR FARMINGTON CITY, UTAH, PRIMARY AND GENERAL ELECTION and RESOLUTION 2007-41, A RESOLUTION DESIGNATING AND APPOINTING ELECTION JUDGES/POLL WORKERS, TO SERVE IN THE MUNICIPAL PRIMARY AND GENERAL ELECTIONS, SETTING THE COMPENSATION FOR THEIR SERVICES; AND PROVIDING FOR OTHER RELATED MATTERS, with the understanding that four more election judges will be selected prior to the election. **Paula Alder** seconded the motion, which passed by unanimous vote.

### **RESOLUTION SUBMITTING BALLOT QUESTION TO FARMINGTON RESIDENTS IMPOSING SALES AND USE TAX WITHIN THE CITY TO FUND A PERFORMING ARTS CENTER AND OTHER RECREATIONAL AND CULTURAL FACILITIES (Agenda Item #11)**

**Mayor Harbertson** reviewed the information that was presented by the Centerville City Mayor at their last meeting. Many of the cities within the south end of the County have agreed to allow their voters to determine whether they will participate in the construction of the Performing Arts Center in Centerville. If approved by the voters, 50% of the tax will be used for the Arts Center while the other 50% will likely be used for some type of recreational facility in the future. He questioned whether the City Council would like to submit the ballot question to Farmington City residents.

The City Council discussed the proposed sales and use tax increase. **Council Members Haugen** and **Young** said they think it is appropriate to allow the citizens to vote on the issue. **Council Member Hale** expressed concern that if the question is placed on the ballot, the voters may assume that the City Council is in favor of the proposal when some members are actually opposed to it.

**Mayor Harbertson** said his concern is that the residents recently experienced a property tax increase. It is now being proposed that the 1/4% sales tax increase be on the ballot, as well as the County transportation tax and the RAP tax. Unless the residents are educated on the purpose of each tax, they may be inclined to vote against all of them.

**Paula Alder** said the residents voted for the City Council members to make decisions on

behalf of the City. She said the Performing Arts Center will not benefit Farmington City. The black box room that is available for City use seats less than the City's Arts Center.

**Mayor Harbertson** said even if Farmington City does not approve of the RAP tax, the Farmington residents will pay an increased sales and use tax if they shop in the four cities that approved the tax.

**Sid Young** said he would prefer allowing the voters to decide whether the City participates in the Arts Center. The City could provide information to the residents so they clearly understand that the Council does not support the tax.

**Lowell Steele** (Farmington Resident) said if the City and voters approve of the tax increase, Lagoon patrons will experience the majority of the impact. He said although Farmington residents would be allowed to attend the performances at the Performing Arts Center even if they do not participate in the RAP tax, it is not good for Farmington residents to get something for nothing.

**Mayor Harbertson** said even if Farmington City does not participate in the RAP tax, the residents will contribute by shopping in the other cities in the County. He is not opposed to allowing the voters to make their own decision on the issue but he is concerned about the timing of the proposed increase. He understands how critical the transportation issues are and is concerned that 1/4% tax increase to provide traffic solutions will be jeopardized if the RAP tax is on the ballot.

**Lowell Steele** said it is important that the residents understand the issues. They can be made aware that the City Council is allowing the residents to vote on the issue even though the governing body does not support it. Many residents were frustrated that they were not able to vote on whether the City participated in the construction of the Bountiful Recreation Center. He said out of Bountiful, Centerville, Farmington, and Kaysville, Farmington has the third highest number of patrons that attend Rogers Memorial Theater. There are also a significant number of Farmington residents who perform at that theater.

**Sid Young** said Farmington City did not place the Bountiful Recreation Center proposal on the ballot because they conducted a poll of 600 residents, most of which indicated that they were opposed to the City participating in the project.

**Rick Dutson** stated that it is difficult to educate the public on all of the tax issues. He is concerned that there is a public outcry against tax increases at this time.

The request to submit ballot question to Farmington residents imposing sales and use tax within the City to fund a Performing Arts Center and other recreational and cultural facilities

died for lack of a motion.

**AUTHORIZATION TO PROCEED WITH 400 WEST TRAIL REALIGNMENT  
PROJECT AND RELATED SCOPE OF WORK (Agenda Item #12)**

**Max Forbush** explained that it is proposed that the City proceed with the 400 West trail realignment and that fencing be added to the stream channel below the trail. There will not be improvements to the sidewalk at this time.

**Motion**

**Paula Alder** moved that the City Council authorize the project to move forward as recommended by City staff. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**CRS ENGINEERING FEE ADJUSTMENT REQUEST - PAUL HIRST (Agenda Item #13)**

**Max Forbush** said City staff recommends that the City Council authorize the fee request that was submitted by **Paul Hirst**. The City mainly uses the services of the project engineer, **Tammy North**. Almost 100% of the those costs are reimbursed to the City by developers.

**Motion**

**Sid Young** moved that the City Council authorize the CRS Engineering fee adjustment request, as submitted **Paul Hirst**.

**David Hale** questioned whether the proposed increase is sufficient or whether the City Engineer will have to increase the fee again in the near future.

**Paul Hirst** said he has offered his services to the City at a reduced rate because he enjoys working with the City and has a passion for engineering. He committed to wait as long as possible before he approaches the Council for another fee adjustment.

**Rick Dutson** said he is not opposed to authorizing the fee request because **Paul Hirst** is a resident of the City so he has always looked out for the City's best interest.

**Mayor Harbertson** pointed out that the City could hire an in-house engineer for less than they pay CRS Engineers but their expertise would not be nearly as broad. He said he appreciates the service of CRS Engineering and knows that **Mr. Hirst** is being fair and honest.

**Larry Haugen** seconded the motion, which passed by unanimous vote.

### **MAYOR HARBERTSON'S REPORT (Agenda Item #14)**

**Mayor Harbertson** commended the fire department for their effort while fighting the fires during the past month. He then reported on the following:

- The Mayor and City Manager continue to engage in negotiations with Tom Owens and Terry Deru in trying to come up with a compromise on the development of the Haugen property.
- The Mayor, Neil Miller, Paula Alder and Rick Dutson participated in the Farmington Festival Days evaluation.
- The Mayor and Rick Dutson, and Max Forbush met with **Cory Pope** to discuss issues that are of value to the City, such as jurisdiction transfer of part of SR106; landscaping of UDOT property near Somerset Hollow, sound walls, Shepard Lane safety issues, etc.

### **CITY COUNCIL REPORTS (Agenda Item #15)**

#### **Council Member Young Report**

**Sid Young** reported on the following issues that were discussed at the Leagues of Cities and Towns meeting: water issues; land issues regarding impact fees and sensitive lands; and future legislation regarding the justice court modifications.

#### **Council Member Dutson**

**Rick Dutson** reported that he attended the Trails Committee luncheon. He also attended a meeting with the Mayor, the City Manager and UDOT's Region One Director where they discussed the Shepard Lane overpass which is a concern to the residents in the Oakridge area. The overpass barrier is only 2.8' high next to the highway which creates a safety issue for the pedestrians and cyclists going over the bridge. In order to solve the problem, the road width needs to be expanded. It is difficult to determine who should be responsible for the expansion since the road is owned by UDOT but it appears the City is responsible for the improvements to the road. The Davis County School District and the LDS Church are also contributing to the number of pedestrians who use the overpass. There is a report due out in two weeks from UDOT that will include solutions to increase the safety of the overpass. The City Manager recommends that the City Council authorize the City Engineer to evaluate the situation immediately, including the possibility of restriping the paint which will serve as a temporary solution.

#### **Motion**

**Rick Dutson** moved that the City Council authorize the City Engineer to evaluate the Shepard Lane overpass and report back to the Council at their next meeting. **David Hale**

seconded the motion, which passed by unanimous vote.

**Rick Dutson** informed the Council that the Region One Director, **Cory Pope**, indicated that UDOT never committed to provide a sound barrier near the Oakridge area. Although certain areas qualify for the sound wall based on the decibels, the cost of the sound wall exceeds the amount UDOT has committed to spend.

### **Council Member Alder Report**

**Paula Alder** reported that she attended the Arts Council meeting and the Youth City Council Bowl-a-thon to raise money for muscular dystrophy. She expressed appreciation to the Public Works Department for hosting the summer party. She questioned whether ATVs are allowed to travel on the Fire Break Road. She was told by a resident that the Fire Department told them that ATVs are not allowed near Bella Vista so the fire break road was over grown with weeds and would not have stopped the recent fire.

After the City Council discussed the issue, the City Manager said the fire break road travels in and out of City limits and the City can only control access on the portions of the fire break road that are within the City limits. If the fire break road south of Farmington Canyon were improved and annexed into the City, the City could then decide the appropriate use for the road and how it should be regulated. On the north side of Farmington Canyon, most of the land is owned by the Forest Service.

**Sid Young** said it would not be necessary for ATVs to keep the weeds down if the road were properly maintained. He said prescriptive rights are available after an area is used for a certain use for a certain number of years. He has been advised by a lawyer that prescriptive rights apply to emergency vehicles, not necessarily to recreational uses. He is further researching the issue.

**Max Forbush** said the City needs to work with the Weber Basin District in an effort to stabilize their pipeline. Once that has occurred, the City needs to work with the County to improve the road. Thereafter, an annexation plan could be developed and presented to property owners.

### **MISCELLANEOUS**

#### **Report/Discussion on Chamber of Commerce Support for 1/4% increase in Sales Tax for Transportation - John Pitt**

**John Pitt** (Davis Chamber of Commerce, President) reported that the Davis Chamber of Commerce, as well as their committees and directors, have voted to support the 1/4% sales tax initiative to find a solution for the transportation issues in the County. The Ogden Chamber of

Commerce and the Brigham Chamber of Commerce have also voted to support the sales tax initiative.

**Mr. Pitt** reported that the traffic in Utah has increased 66% since 1990, yet there is only a 12% increase in traffic flow. If something is not done to remedy the problem, the situation will continue to get worse. The initiative to increase sales tax is an investment in the future that will provide solutions to the traffic problems in the area. The money needs to be set aside to provide corridor preservation, road construction and mass transit. He requested that Farmington City inform their constituents about the benefit of this initial tax proposal. He passed out a form that allows the City to state their support for the initiative, if the City so desires.

### **List of Trails and Parks Capital Improvements Plan**

**Max Forbush** gave the Council members a copy of a proposed Trails and Parks Capital Improvements Plan. The impact fees that are set by the City will be determined by what is on the Capital Facilities list. He highlighted some of the projects that were included on the list. City staff will likely approach the City Council in September to present a draft copy of the impact fee analysis and Capital Improvements Plan.

### **Scheduling of Field Trip with Consultant (Bio-West) to discuss Farmington Ranches Conservation Easement Analysis**

The City Council agreed to conduct the field trip to the Farmington Ranches area to view the Conservation Easement encroachments on August 28<sup>th</sup> at 5:00 p.m.

### **ITEMS OF GENERAL CORRESPONDENCE**

The City Manager reviewed the general correspondence items that were included in the City Council packet.

### **CLOSED MEETING**

At 9:45 p.m., a motion was made by **Rick Dutson** for the Council to go into a closed meeting to discuss the professional competency and character of an individual and to discuss strategy as it pertains to potential litigation. The motion was seconded by **Sid Young**. The motion passed with Council Members Dutson, Young, Haugen, Alder and Hale all voting in favor.

### **SWORN STATEMENT**

I, Scott Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other

business was conducted while the Council was convened in a closed meeting.

---

Scott C. Harbertson, Mayor

At 10:30 p.m. a motion to reconvene into an open meeting was made by **Rick Dutson** and seconded by **Larry Haugen**. The motion passed with Council Members Alder, Dutson, Hale, Haugen, and Young all voting in favor.

#### **Parks & Recreation Staffing Issues**

A motion was made by **Paula Alder** and seconded by **Larry Haugen** upon the recommendation of Neil Miller, Parks & Recreation Director, dissolve the Leisure Services Board. The motion passed with all Council Members voting unanimously in favor.

It was suggested a letter be written, signed by the Mayor, to the Leisure Services Board Members or a meeting be held with them explaining what the City is doing and why and to receive their input.

Another motion dealing with Parks & Recreation was made by **Larry Haugen** to terminate the City's contract with Kathy Rodriguez as the Special Events Coordinator. Her duties will now be assumed by the Parks & Recreation Department. The motion was seconded by **Paula Alder**. The motion passed with a unanimous vote in favor.

#### **Buffalo Ranches Trail Construction/Hughes & Stoddards**

Upon motion by **Paula Alder** with a second by **Rick Dutson** authorization was given for the City Manager and the Mayor to negotiate a temporary water connection for watering cattle on the Jonathan Hughes and Lynn Stoddard properties south of Farmington Ranches Phase 8. The motion passed with all Council Members voting in favor.

#### **Farmington's Pioneer Christmas**

A motion was made by **David Hale** and seconded by **Larry Haugen** to cancel Pioneer Christmas which has previously been held the middle of November in buildings at the Davis County Fairgrounds due to a lack of volunteers to hold the event. The motion passed with a unanimous vote in favor of canceling it.

#### **ADJOURNMENT**

David Hale moved that the meeting adjourn at 10:40 P.M.

---

Margy Lomax, City Recorder

Farmington City Council

August 21, 2007

Farmington City